

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

# ROBERT “BOB” ROSS AND EUGENIO VARGAS

**Plaintiffs/Counterclaim Defendants,**

**v.**

**ASSOCIATION OF PROFESSIONAL  
FLIGHT ATTENDANTS, *et al.*,**

**Defendants/Counterclaim Plaintiffs.**

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**Civil Action No. 4:22-cv-343-Y**

**Consolidated with  
Civil Action No. 4:22-cv-430-Y**

**Judge Terry R. Means**

**PARTIALLY AGREED MOTION TO EXTEND DEADLINE TO FILE RESPONSE TO  
MOTIONS FOR SUMMARY JUDGMENT**

Plaintiffs’ Counsel for Robert “Bob” Ross and Eugenio Vargas hereby moves the Court to request a seven-day extension for the deadline to file a Response to the pending Motions for Summary Judgment (ECF Nos. 234; 237) in the subject case for Plaintiffs and Defendants.

On April 26, 2024, both Plaintiffs and Defendants each filed Motions for Summary Judgment. (ECF. No. 234, 237). Fed. Rules of Civ. P. 56(c) require Plaintiffs and Defendants Responses be filed on Friday, May 17, 2024. Plaintiffs seek an extension of the deadline to file a Response to the pending Motions for Summary Judgment for both Parties to May 24, 2024 for medical necessity.

Plaintiffs' Counsel is has Type 1, Juvenile Diabetic. On Monday, May 13, 2024, Plaintiffs' Counsel was diagnosed with a bronchial infection that has caused complications with her underlying medical condition. Plaintiffs' Counsel seeks a seven-day extension of the deadline

to file Responses to both Plaintiffs and Defendants pending Motions for Summary Judgment for the purposes of medical necessity.

APFA Defendants, in conference, agreed to a mutual extension of the deadline for Plaintiffs' and Defendants' Summary Judgment Motions of one week to May 24, 2024.

Defendant, McGaughey, Reber, and Associates, Inc. d/b/a Diversified Credit Systems ("Diversified"), however, opposed the extension of the deadline. Diversified is unaffected by the result of a mutually agreed extension of the Summary Judgment deadlines as Diversified has no pending Motions before this court. Additionally, the relief requested does not impose an undue hardship and is not sought for purposes of delay. Plaintiffs' Counsel would direct the Court's attention to the attached Declaration and doctor's note provided by Plaintiffs' Counsel as evidence of her condition and ask that this Court grant the extension.

For the forgoing reasons, Plaintiffs' Counsel respectfully requests this Court grant Plaintiffs' Partially Agreed Motion to Extend the Deadline to File a Response to the Motions for Summary Judgment and extend the deadline for a period of seven days for all parties.

Respectfully submitted,  
K.D. PHILLIPS LAW FIRM, PLLC

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**ATTORNEY FOR PLAINTIFFS**

### **Certificate of Conference**

I emailed Jeff Bartos, Charlette Matts, James Sanford and Michael Rake, attorneys for defendants on May 14, 2024 to discuss the filing of this motion. Jeff Bartos responded that APFA, Julie Hedrick and Erik Harris agree to the filing of this motion and extension of the deadline to file responses for both parties. Michael Rake, representing McGaughey, Reber and Associates responded to the email in opposition regarding the filing of this motion.

/s/ Kerri Phillips

Kerri Phillips, Esq.

### **Certificate of Service**

I certify that on this 14<sup>th</sup> day of May, a true and correct copy of the foregoing document was sent to all counsels of record, hereunder listed via ECF Filing as permitted by Rule 5(b)(2) of the Federal Rules of Civil Procedure.

/s/ Kerri Phillips

Kerri Phillips, Esq.

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<b>ROBERT “BOB” ROSS AND EUGENIO VARGAS</b>	§	
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	§	<b>Civil Action No. 4:22-cv-343-Y</b>
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<b>Plaintiffs/Counterclaim Defendants,</b>	§	<b>Consolidated with</b>
	§	<b>Civil Action No. 4:22-cv-430-Y</b>
<b>v.</b>	§	
	§	
<b>ASSOCIATION OF PROFESSIONAL FLIGHT ATTENDANTS, <i>et al.</i>,</b>	§	<b>Judge Terry R. Means</b>
	§	
<b>Defendants/Counterclaim Plaintiffs.</b>	§	

## DECLARATION OF KERRI PHILIPS

1. I am over 18 years of age and reside in the State of Texas. I have never been convicted of any felony or other crime involving moral turpitude. I am fully competent to make this affidavit.

2. I have personal knowledge of the facts set forth in this affidavit and the facts are true and correct.

3. I am counsel of record for Plaintiffs, Robert Ross and Eugenio Vargas in this action.

4. On May 13, 2024, I sought medical attention for ongoing flu-like symptoms and problems with uncontrolled blood sugars. My doctor advised I was at risk of diabetes keto-acidosis and possible hospitalization as a result of an infection. He recommended I reduce my workload for a week to recover. Attached is a true and correct copy of a note I received from my doctor's office confirming the diagnosis.

I declare under penalty of perjury that the foregoing is true and correct.

**EXECUTED** on this the 14th day of May 2024.

Keri Phillips  
Keri Phillips

**Stephen L. Aronoff, M.D., F.A.C.E.**

*Diplomate of the American Board of Internal Medicine  
Subspecialty Board of Endocrinology and Metabolism*

**Joseph A. Schill, APRN**

*Board Certified Adult Nurse Practitioner*

2400 Lakeside Blvd., Suite 130

Richardson, TX, 75082

Phone: 214-774-4475

Fax: 877-586-1172

May 13, 2024

RE: Kerri Phillips, DOB: [REDACTED]

Kerri is a patient I have followed for Type 1 Diabetes. I recently prescribed her treatment for an infection which will require close monitoring of the infection as well as her diabetes as an infection can contribute to unstable glucose leading to complications. The current treatment period will last approximately 5-7 days. She will remain under my care until the infection is eradicated and no longer poses a threat to her well-being.

Please excuse her from any work duties during this period.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joe Schill', with a stylized flourish at the end.

Joseph Schill, APRN.